

**South Harrison Township  
Planning/Zoning Board of Adjustment  
June 8, 2015**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on June 8, 2015 at 7:00 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Joseph Marino, Board Chair and led those present in the Pledge of Allegiance to the Flag.

Requirements of the "Open Public Meetings Act" were met.

**Roll Call:** James McCall – present, Mary Howard – present, Thomas Sorbello – present, Heather Brown – present, Joseph Marino – present, Melvin Robertson – present, Joseph Wille – absent, Stephen Galati – present, Ronald Ambruster – present, David Wade – present, John Maybrook - absent, Gary Thompson, Board Solicitor – present, Steven Bach – Board Engineer – present, Candace Kanaplue – Township Planner – absent, Celeste Keen, Secretary – present.

**Old Business:**

**B&G Property Investments, LLC  
004-096-15  
Use Variance**

Joseph Marino advised those present that the applicant has withdrawn their application.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this matter only was made by James McCall, second by Mary Howard. **Motion carried.**

Paulette Siegfried of 4 Fox Haven Lane asked if there are any time limits regarding them coming back with a new application. Mr. Thomas advised that there are no time limits and if the applicant files a new application it is likely to be a different proposal.

John Campbell of 15 Raccoon Creek Court stated that it is his understanding that commercial properties must be a minimum of three (3) acres. The Board did not believe that that was accurate but the applicant would have to address any and all variances for the application to be approved.

Victoria Malaszecki of 8 South Branch Court noted that the last Master Plan was done in 2008 with a traffic study being done in 2007 and asked when the next Master Plan would be done. Mr. Bach advised that the Township is required to revisit the Master Plan every ten years. Ms. Malaszecki referenced a survey that was distributed in regards to the Master Plan ideas and inquired as to the results of that survey. Mr. Bach advised that he would attempt to retrieve those results and get back to her. Ms. Malaszecki asked about environmental impact statements. Mr. Bach advised that all major site plans include environmental impact statements.

Jonathan Feinbaum of 6 Raccoon Creek Court stated that he understands that the Board requires checklists be adhered to as well as local, county and state requirements are mandated. As to the subjective thinking that must go into approving or denying an application; would the Board please elaborate on what goes into the subjective aspect of their decision(s)? If there are any Board members that have any affiliation to an applicant, do they step down from the proceedings?

Mr. Thompson noted that there are two (2) types of applications that come before the Board; one (1) of which is administrative meaning that if an applicant wishes to create a minor subdivision of their property and they are complying with all of the local, county and state requirements this Board must grant their subdivision. For any type of use variance application, the burden of proof is on the applicant to prove the positive and negative criteria. This Board deems whether or not the applicant meets the burdens of proof and vote accordingly. As to any affiliation between an applicant and a Board member the Board member would recuse themselves.

Paul Lewis of 1819 State Highway 45 advised that he has an issue with the fact that only three (3) residents were notified by mail of this application. Mr. Thompson cited Municipal Land Use Law (MLUL) requires residents within 200' of the property in question be notified. The Board is unable to require applicants to notice above and beyond MLUL requirements.

Mario Mazzuca of 1721 State Highway 45 questioned the positive and negative criteria in property values. Mr. Thompson advised that a professional appraiser would have to submit testimony regarding property values.

**Close Meeting to the Public:**

Motion to close the meeting to the public on this matter only was made by Ronald Ambruster, second by Thomas Sorbello. **Motion carried.**

**James McCall left the meeting.**

**Minutes:**

Motion to approve the regular meeting minutes of May 11, 2015 was made by Melvin Robertson, second by Ronald Ambruster. **Motion carried.**

**National Energy Partners  
004-292-10  
Use Variance/Site Plan**

Steve Bach advised the Board that the applicant has requested substituting recycled concrete DGA for crushed stone for construction of the balance of the access road off of Franklinville Road. It was noted that the recycled concrete would be less attractive aesthetically, would create significantly more dust to the surrounding residents and this type of change was deemed to be more than an administrative change.

Motion to approve the substitution was made by Mary Howard, second by Ronald Ambruster.

**Roll Call:** James McCall – absent, Mary Howard – no, Thomas Sorbello – no, Heather Brown – no, Joseph Marino – no, Melvin Robertson – no, Joseph Wille – absent, Stephen Galati – no, Ronald Ambruster – no, David Wade – no, John Maybrook – absent

**R.C.V.:** 0 – yes, 5 – no's, 0 – abstentions. **Motion carried.**

**Open Meeting to the Public:**

Motion to open the meeting to the public was made by David Wade, second by Mary Howard. **Motion carried.**

No public present.

**Close Meeting to the Public:**

Motion to close the meeting to the public was made by Ronald Ambruster, second by Mary Howard. **Motion carried.**

**Payment of the Bills:**

Motion to approve payment of the bills was made by Mary Howard, second by Thomas Sorbello.

**Roll Call:** James McCall – absent, Mary Howard – yes, Thomas Sorbello – yes, Heather Brown – yes, Joseph Marino – yes, Melvin Robertson – yes, Joseph Wille – absent, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – yes, John Maybrook – absent

**R.C.V.:** 8 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

**Adjournment:**

Motion to adjourn was made by Ronald Ambruster, second by David Wade. **Motion carried.**

Respectfully submitted,

Celeste Keen  
Board Secretary

Information

ONLY